

Docket No.: 192506US-0 CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

Tracey SLEMKER : GROUP ART UNIT: 3738

SERIAL NO: 08/947,668 : EXAMINER: M. MILANO

FILED: OCTOBER 09, 1997 :

FOR: VALVE ASSEMBLY FOR A :  
PROSTHETIC LIMB

2002  
APR 16 2002  
RECEIVED  
TC 3100 MAIL ROOM  
FEB 14 2002

RESPONSE TO OFFICE ACTION

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

In response to the office action dated September 11, 2001, please reconsider the outstanding rejections in view of the following.

Claims 37-42 are presently active in this case. Those claims were copied from US patent No. 5,658,353 to Layton in order to prove an interference.

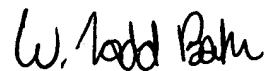
In the outstanding office action, claims 37 and 38 were rejected under 35 USC 102(a) as being anticipated by Japanese patent No. 7-1553432 to Takidani and claims 39-42 were rejected under 35 USC 103(a) as being unpatentable over the Takidani publication.

In response to the outstanding rejections in view of the Takidani publication, applicant submits herewith the 37 CFR 1.131 declaration of inventor Tracey Slemker. The Slemker declaration establishes that applicant conceived of the features disclosed in the Takidani publication prior to the June 20, 1995 35 USC 102(a) date of the Takidani publication. Furthermore, the Slemker declaration establishes that applicant acted diligently in preparing his application for filing from a time prior to

June 20, 1995 date until the filing of applicant's application serial No. 08/516,557. Applicant notes that the '557 application is the parent of the above referenced application.

In view of the Slemker declaration, no further issues are believed to be outstanding in the present application and hence the application is in condition for allowance. Applicant requests that an interference be declared between the above referenced application and the Layton patent as requested in applicant's December 31, 1997 request for interference.

Respectfully submitted,



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